

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MARTIN J. WALSH, )  
SECRETARY OF LABOR, )  
U.S. DEPARTMENT OF LABOR, )

Plaintiff, )

V. )

CIVIL ACTION FILE NO. 4:22-cv-94

EXPRESS MEDICAL )  
TRANSPORTERS, INC., )

Defendant. )

## COMPLAINT

Pursuant to Section 217 of the Fair Labor Standards Act, of 1938, as amended (29 U.S.C. § 201 *et seq.*) (“FLSA”), Plaintiff, Martin J. Walsh, Secretary of Labor, United States Department of Labor (“Secretary”), brings this action to enjoin and restrain Defendant Express Medical Transporters, Inc. (“EMT”), from violating sections 206, 207, 211, 215(a)(2), and 215(a)(5) of the FLSA and to recover unpaid compensation, plus an equal amount in liquidated damages pursuant to section 216(c) of the Act, for Defendant’s employees.

The Secretary, through the Wage and Hour Division, conducted an investigation of Defendant for compliance with the FLSA. The Secretary’s investigation reviewed Defendant’s employment and pay practices from August 24, 2017, through August 23, 2019 (the “Investigation Period”). Unless stated otherwise, all allegations and conditions described herein pertain to the Investigation Period.

## Jurisdiction and Venue

1. This Court has jurisdiction of this case. 29 U.S.C. §§ 216(c) and 217, and 28 U.S.C. § 1345.

2. This Court is the proper venue because all or a substantial part of the events or omissions giving rise to these allegations occurred in this judicial district.

### **Defendant**

3. Defendant EMT is a corporation within this Court's jurisdiction with an office at 3403 Hollenberg Drive, Bridgeton, Missouri, where it conducts business.

4. EMT provides non-emergency automobile transportation for clients to and from medical appointments, hospitals, nursing homes, etc. Additionally, it contracts with school districts to provide transportation to students.

5. During the Investigation Period, Defendant engaged in business within St. Louis County, within this Court's jurisdiction.

### **The FLSA Applies to Defendant**

6. EMT is an "enterprise" under the FLSA due to its related activities performed through unified operation or common control and for a common business purpose. 29 U.S.C. § 203(r).

7. EMT is an "enterprise engaged in commerce" under the FLSA, because it had (i) two or more employees who are engaged in or produced goods for commerce; and (ii) an annual gross volume of sales or business done greater than \$500,000 during the Investigation Period. 29 U.S.C. § 203(s)(1)(A).

### **FLSA Violations**

8. Defendant repeatedly violated sections 206 and 215(a)(2) of the FLSA when it failed to pay its employees at least \$7.25 per hour. EMT made deductions from its employees' gross wages that were primarily for EMT's benefit and convenience, and such deductions brought employees' hourly pay below \$7.25. 29 U.S.C. §§ 206(a)(1) and 215(a)(2).

9. Defendant also repeatedly violated sections 207 and 215(a)(2) of the FLSA when it failed to pay its employees one-and-one-half times their regular rates for hours worked in excess of forty in a workweek. EMT misclassified certain employees as independent contractors, therefore wrongly categorizing these employees as exempt from the FLSA, and did not pay them overtime. 29 U.S.C. §§ 207(a)(1) and 215(a)(2).

10. Defendant violated sections 211 and 215(a)(5) of the FLSA when it failed to keep complete and accurate records, including records showing the actual amount of time worked by employees. 29 U.S.C. §§ 211 and 215(a)(5), 29 C.F.R. Part 516.

### **Remedies Sought**

11. As a result of its FLSA violations, Defendant owes the employees listed in Exhibit A back wages and liquidated damages, under 29 U.S.C. §§ 216(c) and 217. Upon information and belief, Defendant continued to violate the FLSA after the Investigation Period, and therefore owes additional back wages and liquidated damages to employees, including employees listed in Exhibit A and employees whose identities the Secretary does not currently know.

12. Defendant may also owe additional back wages and liquidated damages, during the Investigation Period, to its employees whose identities the Secretary does not currently know.

13. As a result of its FLSA violations, Defendant has unlawfully withheld unpaid compensation from its employees.

### **Prayer for Relief**

As a result of Defendant's repeated FLSA violations, the Secretary respectfully requests this Court enter an Order:

A. Permanently enjoining and restraining Defendant, its officers, agents, servants, employees, and those in active concert or participation with it, from violating sections 206, 207, 211, 215(a)(2), and 215(a)(5) of the FLSA. 29 U.S.C. § 217(a).

B. Finding Defendant liable for unpaid minimum and overtime wages, plus an equal amount in liquidated damages, owing to the employees listed in Exhibit A, as well as to other of Defendant's employees not yet known to the Secretary. 29 U.S.C. § 216(c).

C. If the Court declines to award liquidated damages, then enjoining and restraining Defendant, its officers, agents, employees, and those persons in active concert or participation with Defendant, from withholding unpaid compensation found owing to Defendant's employees, plus prejudgment interest computed at the underpayment rate established by the Secretary of the Treasury under 26 U.S.C. § 6621.

D. Providing such other relief as may be necessary and appropriate.

E. Awarding costs and granting such other and further relief as may be necessary and appropriate.

**SEEMA NANDA**  
Solicitor of Labor

**CHRISTINE Z. HERI**  
Regional Solicitor

**EVERT VAN WIJK**  
Associate Regional Solicitor

/s/ Traci Martin

Traci Martin

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*Attorneys for Plaintiff Martin J. Walsh,  
Secretary of Labor, U.S. Department of Labor*

**EXHIBIT A**

- |                            |                         |
|----------------------------|-------------------------|
| 1. Abdi, Mahan             | 43. Jones, Philip       |
| 2. Ayers, Donald           | 44. Krupnik, Darius     |
| 3. Azad, Khwaja            | 45. Mahamadou, Toure    |
| 4. Bedsaul, Windy          | 46. Malone, Dayton      |
| 5. Berg, Joshua            | 47. Marian, Cosmin      |
| 6. Bobo, Jamayne           | 48. Massey, Daniel      |
| 7. Bobo, Tremaine          | 49. Mays, Sonya         |
| 8. Bond, Vicki             | 50. Miller, Leslie      |
| 9. Brown, Eddie            | 51. Morris, Jr., Roshon |
| 10. Brown, Reager          | 52. Nichols, Sr., Craig |
| 11. Bryant II, Tony        | 53. Penrod, Joseph      |
| 12. Bryant, Keith          | 54. Pitts, Rodrick      |
| 13. Bryant, Larry          | 55. Randazzo, Dominick  |
| 14. Clark, Michael         | 56. Redmon, Juan        |
| 15. Cook, Mary             | 57. Richardson, Raymond |
| 16. Coulibaly, Modibo      | 58. Simmons, Steven     |
| 17. D'Almeida, Amakoe      | 59. Smith, Justin       |
| 18. Derington, James       | 60. Smith, Paul         |
| 19. Dickherber, Andrea     | 61. Stroessner, Dianna  |
| 20. Diomande, Angeline     | 62. Tate, Naneuleta     |
| 21. Douglas, Warren        | 63. Taylor, Brian       |
| 22. Eleby, Sr., Michael L. | 64. Taylor, Tremaine    |
| 23. Eleby, Michael         | 65. Thomas, Jawyne      |
| 24. Erwin, Eric            | 66. Thompson, Kim       |
| 25. Fisher, Karen          | 67. Tobin, Scott B.     |
| 26. Ford, Jr., Darris      | 68. White, Byonka       |
| 27. Giles, Tony            | 69. Williams, Terry     |
| 28. Greenlee, Orlando      | 70. Wilsey, Nanffie     |
| 29. Greenlee, Wendy        | 71. Womack, Charles     |
| 30. Hackworth, Christopher |                         |
| 31. Haedike, David         |                         |
| 32. Harvey, Joseph         |                         |
| 33. Hendrickson, John      |                         |
| 34. Hendrix, Patrick       |                         |
| 35. Hill, Gaylon           |                         |
| 36. Hill, Mindy            |                         |
| 37. Holmes, Rodney         |                         |
| 38. Jiles, Dwayne          |                         |
| 39. Johnstone, Felicia     |                         |
| 40. Johnson, Lee           |                         |
| 41. Johnson, Marcus        |                         |
| 42. Johnson, Requenda      |                         |